

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CWB SERVICES, LLC, a Missouri limited liability company; ORION SERVICES, LLC, a Kansas limited liability company; SANDPOINT CAPITAL, LLC, a Nevis limited liability company; SANDPOINT, LLC, a Delaware limited liability company; BASSETERRE CAPITAL, LLC, a Nevis limited liability company; BASSETERRE CAPITAL, LLC, a Delaware limited liability company; NAMAKAN CAPITAL, LLC, a Nevis limited liability company; NAMAKAN CAPITAL, LLC, a Delaware limited liability company; VANDELIER GROUP LLC, a Delaware limited liability company; ST. ARMANDS GROUP LLC, a Delaware limited liability company; ANASAZI GROUP LLC, a Delaware limited liability company; ANASAZI SERVICES LLC, a Missouri limited liability company; LONGBOAT GROUP LLC, also d/b/a CUTTER GROUP, a Delaware limited liability company; OREAD GROUP LLC, also d/b/a MASS STREET GROUP, a Delaware limited liability company; TIMOTHY A. COPPINGER, individually and as a principal of one or more of the Corporate Defendants; and FRAMPTON T. ROWLAND, III, individually and as a principal of one or more of the Corporate Defendants,

Defendants.

CASE NO. _____

**PLAINTIFF'S *EX PARTE* MOTION TO TEMPORARILY SEAL CASE FILE
AND SUGGESTIONS IN SUPPORT
(FILED UNDER SEAL)**

Plaintiff, Federal Trade Commission (“FTC”), respectfully moves *ex parte* for an Order temporarily sealing the entire case file and docket in this matter, including all pleadings, exhibits, and other papers filed in support thereof, and all orders of the Court. The FTC requests that the seal on all documents remain in effect until all Defendants have been served, or until 5:00 p.m. on September 12, 2014, whichever occurs first. In support of this Motion, Plaintiff states as follow:

1. On Monday, September 8, 2014, Plaintiff will file an *ex parte* Motion for Temporary Restraining Order With Asset Freeze, Appointment of Receiver, and Other Equitable Relief (“TRO Motion”). FTC counsel will be present at the Courthouse that morning, and will be available at the Court’s convenience. Should the Court grant the relief requested in the FTC’s TRO Motion, the FTC plans to execute an asset freeze and, with the court-appointed temporary receiver, access Defendants’ business premises to secure documents on Wednesday, September 10, 2014.

2. As described in the Certification and Declaration of FTC Counsel Rebecca M. Unruh (“Unruh Decl.”), Defendants have committed and are committing serious violations of the Federal Trade Commission Act, 15 U.S.C. § 53(b), the Truth in Lending Act, 15 U.S.C. §§ 1601-1666j, and the Electronic Fund Transfer Act, 15 U.S.C. §§ 1693-1693, by perpetrating an online payday lending scheme that includes issuing loans to consumers who never consented to them, making unauthorized withdrawals from consumers’ bank accounts, and making misrepresentations to consumers—even those who authorize the loans—about the loan’s costs.

3. If this case were immediately docketed as a matter of public record, there is a substantial possibility that Defendants would learn of the case before being served with the requested TRO. In the FTC’s experience, individuals engaged in unfair or deceptive practices

have secreted assets and destroyed evidence upon learning of an impending law enforcement action. *See* Unruh Decl. Defendants' persistent and pervasive deceptive and unfair conduct here, as well as their history of dissipation of assets and commingling of corporate and personal funds, *see id.*, indicates that Defendants are likely to conceal or destroy business records and dissipate assets if they receive notice of the FTC's action prior to being served with the TRO.

4. Because the dissipation, destruction, or concealment of assets and records would frustrate the Court's ability to award effective final relief for the consumer victims of Defendants' unlawful practices, entry of an order temporarily sealing the docket and all filings therein is in the public interest. Accordingly, there is a reasonable basis for departing from the Court's general policy of public filings.


5. This Court and other courts in this Circuit have granted similarly limited seals in other law enforcement matters brought by the FTC. *See, e.g., FTC v. Grant Search, Inc.*, No. 2:02-cv-04174-NKL (W.D. Mo. Aug. 15, 2002) (granting *ex parte* motion to seal and *ex parte* TRO with asset freeze and expedited discovery); *FTC v. Neiswonger*, No. 4:96-cv-02225-SNLJ (E.D. Mo. July 17, 2006) (granting *ex parte* motion to seal filings and granting TRO with asset freeze, temporary receiver, and expedited discovery); *FTC v. Kruchten*, No. 01-523 ADM/RLE (D. Minn. Mar. 26, 2001) (granting *ex parte* motion to seal filings and granting *ex parte* TRO with asset freeze, temporary receiver, and expedited discovery).

WHEREFORE, Plaintiff requests that the Court direct the Clerk of the Court to maintain the docket and entire case file in this matter, including all pleadings, exhibits, and other papers filed in support thereof, and all orders of the Court, under seal until 5:00 p.m. on September 12, 2014, or until the Clerk is notified that the seal is no longer necessary, whichever occurs first. This should be sufficient time to allow service upon Defendants.

Respectfully submitted,

JONATHAN E. NEUCHTERLEIN
General Counsel

Dated: September 5, 2014



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Dated: September 5, 2014

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